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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/000,154
Filing Date: October 23, 2001
Appellant(s): ADUSUMILLI ET AL.

Brent E. Vecchia
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/09/2008 appealing from the Office action mailed 12/12/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Strahm US 2002/0133598.

As per claims 18, 29, and 36, Strahm teaches a security format conversion system including from wired SSL or wireless WTLS, [0024], [0026], [0034], [0045]. Strahm teaches converting the encrypted data to a different format (unencrypted), [0034]. Strahm teaches a network interface and a server to receive converted data, [0034].

As per claims 19, 20, 21, 30, 37, and 41 Strahm teaches basing security format based on received data, including port number, [0024]. Strahm teaches receiving data using a plurality of protocols, [0024]. Examiner takes official notice that a well known security port is port 443, and that ports 9208-9282 are unassigned and would be well known for use to those skilled in the art.

As per claims 22, 31, 38, and 40, Strahm teaches that the security format may be from a WTLS format, or an SSL format after receiving indications from the network, [0024].

As per claims 23, 32, 39, and 42, Strahm teaches that a conversion may be from a WTLS format to plain data [0024[, [0033], [0034].

As per claims 24, and 25, Strahm teaches determining format based on a received data including port, and security feature information, [0024].

As per claims 26-28, 33, and 34, Strahm teaches that the converter is one network device, and is located at a network choke point (firewall), [0034].

As per claim 35, Strahm does not teach performing at least a portion of the action in hardware. Examiner takes official notice that it is well known to those skilled in the art to use both software and hardware in computer and communication systems.

As per claims 43-46, Strahm teaches that it provides plain data from the firewall via a network interface to a server [0034], Fig 2.

As per claim 47, Strahm teaches a security format conversion system including from wired SSL or wireless WTLS, [0024], [0026], [0034], [0045]. Strahm teaches converting the encrypted data to a different format (unencrypted), [0034]. Strahm teaches a network interface and a server to receive converted data, and send it over the private network [0034].

Strahm teaches that the security format may be from a WTLS format, or an SSL format after receiving indications from the network, [0024].

Strahm teaches that a client can be a cell phone [0011]. Strahm teaches a client can be a personal computer [0011].

As per claim 48, Strahm teaches that switches direct information to the first interface and from the second interface [0045].

(10) Response to Argument

Group I

As per claims 18-46 the Appellant asserts that Strahm does not teach a network interface coupled to a public network to receive a first message encrypted according to a wireless format and a second message encrypted to a wired security format.

Examiner points to Strahm, Figure 1, and [0024] and [0026]. Strahm [0024] states that security protocols are established and authenticated, including TLS, or SSL, which are wired encryption protocols, and WTLS which is a wireless encryption protocol. Strahm [0026] states that different security protocols may be used for different connections, including wired and wireless. Strahm figure 1 shows a mobile client 110 that connects to a home agent 160. Strahm [0013]-[0016] shows that the connections in figure 1 can be wired or wireless. Thus Strahm teaches a client 110 that may make a first and second connection, and encrypt according to a wireless security format (WTLS) or a wired security format (SSL, TLS). Strahm teaches a selection system to detect which security formats to use [0024]. Strahm teaches that the conversion (encryption or decryption) is performed according to that selection [0024], [0034].

Strahm is silent with regards to the appellants' assertion that the data encryption format would be converted on route to the home agent 160. However, Strahm does teach that encryption and compression may take place at the firewalls [0033] [0034] in a corresponding manner, between mobile device 110 and home agent 160. Figure 1 shows that the mobile device has a wireless, and wired connection to first firewall 132. Thus a message encrypted according to WTLS at the first firewall would correspondingly be decrypted with the same algorithm at the second firewall for the home agent 160. Figure 5 illustrates that firewall 533 may be part of the home agent 160.

Appellant argues that mobile client does 110 does not receive the client messages. Examiner admits that the client sends messages to home agent 160, and does not receive its own messages.

Group II

Appellant argues for claim 47 and 48 that Strahm does not teach a data center, a cell phone client, or a personal computer client.

Examiner points to Strahm [0011] that states that the mobile client may be a mobile phone or a personal computer. Examiner uses the broadest reasonable interpretation of "data center" and includes Figure 1 destination network including Firewall 152, Home agent 160, Intranet 150, and Destination Server 170 as said data center.

Group III

Appellant asserts for claims 43 to 46 that there is not a "second network interface to provide the plain data" taught in Strahm.

Examiner points to Strahm, Figure 1, firewall 152, which contains a first interface (input, public network) to receive a first encrypted message, and decrypts said message to send plain data via a second interface (output, private network) to home agent 160, [0034], Figure 5.

Group IV

Appellant argues claims 28, 34, and 38 are allowable because a network interface does not reside "in a data center between a first switch within the data center and a second switch within the data center".

The Examiner again points to figure 1 where the interface is in the data center (destination network) and is in firewall 152 which meets the definition of the first switch, and between intranet 150, which requires a switch to function. It is inherent that the intranet has a switch.

Group V

Appellant argues for claim 27, and 33 that there is no disclosure that a network interface resides "in data center between the internet and a data center server".

Examiner points to Strahm figure 1, firewall 152 which resides in a data center between the internet 140 and a server 170. The appellant cites mobile device 110 as the interface, but the examiner does not cite said device as the interface.

Group VI

Appellant argues that claims 20, 21, 30, 37 and 41 are not disclosed and would not be inherent. Appellant argues that using ports from 9208 to 9282 and port 443 are not inherent.

Examiner points to Strahm [0024] for evidence of use of port 443. Port 443 is the inherent port used by the SSL protocol. Examiner believes use of ports 9208 to 9282 is also inherent because these ports are well known to be unassigned, and they are used for many applications and communications. Additionally the use of the ports 9208 to 9282 is a design choice by the appellant.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Christopher J. Brown

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